

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
)	Case No. 2012-MMC-001
ACE TOMATO COMPANY, INC.,)	
A California Corporation,)	ORDER REQUIRING
)	FURTHER RESPONSE ON
Employer,)	COMPLIANCE WITH PRIOR
)	BOARD ORDER
and)	
)	
UNITED FARM WORKERS OF)	Admin. Order No. 2012-12
AMERICA,)	
)	
Petitioner.)	
_____)	

On August 1, 2012, the United Farm Workers of America (UFW) filed a Request For Agency Action To Enforce Anti-stay Provision In The MMC Law. On August 2, 2012, the Board issued Administrative Order 2012-10 requesting that Ace Tomato Company, Inc. (Employer) provide a response to the UFW's request for enforcement on or before August 7, 2012 by 5:00 p.m.

The response filed by Employer did not provide adequate information for the Board to determine if Employer has implemented the terms of the Board's Decision and Order in *Ace Tomato Company, Inc.* (2012) 38 ALRB No. 6. The collective bargaining agreement (CBA) contained in the mediator's report affirmed by the Board took effect on July 1, 2012. This CBA remains in effect without regard to Employer's pending decision whether to file a petition for writ of review pursuant to Labor Code section 1164.5. Moreover, the CBA would continue to be in effect for the duration of the review process unless the Court of Appeal grants a stay under the narrow provisions of Labor Code section 1164.3(f).

The Board hereby directs the Employer to provide responses to the following questions:

1. From July 1, 2012 to the present, what picker hourly wage guarantee has been paid to employees covered by the CBA?
2. From July 1, 2012, to the present, what picker piece rates for two buckets of M/G Round and Roma tomatoes have been paid to employees covered by the CBA?
3. From July 1, 2012, to the present, what daily harvest rates have been paid to the following classifications covered by the CBA:
 - a. Dumpers?
 - b. Token Persons?
 - c. Shuttle Drivers?
4. From July 1, 2012 to the present, what have been the amounts of the bonuses after the 4th trailer paid to Dumpers and Shuttle Drivers?
5. Have the retroactive 6% hourly wage increases for the transplant crew members been paid from April 1, 2012 to July 1, 2012?
6. Since July 1, 2012, what are the hourly wage rates that have been paid to the following classifications covered by the CBA:
 - a. Crew Chiefs?
 - b. Transplanters?
 - c. Box Persons?
 - d. Tractor Drivers?
 - e. Supe/Water Persons?

PLEASE TAKE NOTICE THAT Ace Tomato Company, Inc. shall have

until August 9, 2012, at 5:00 p.m. to file and serve responses specific to the above questions. The response shall be accompanied by sworn declarations within the personal knowledge of the declarants. The response shall be filed and served by facsimile transmission. (Tit. 8, Cal. Code Regs., sec. 20168, subdiv. (d).) The UFW may submit declarations addressing these questions by the same deadline.

By Direction of the Board.

Dated: August 8, 2012

J. ANTONIO BARBOSA
Executive Secretary, ALRB